

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-cr-9-KS-MTP

HOPE EVANGULANE THOMLEY and
HOWARD RANDALL THOMLEY

FINAL ORDER OF FORFEITURE

Before this Court is the United States of America's Motion (ECF No. 116) for a Final Order of Forfeiture. Having reviewed the Government's motion, this Court finds that it is well taken and should be GRANTED. In support of its ORDER, the Court finds as follows:

The Court entered Agreed Preliminary Order of Forfeiture on Hope Evangulane Thomley and Howard Randall Thomley (ECF Nos. 18 and 33), forfeiting the following "**Subject Property**" to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1) and (a)(7), and 28 U.S.C. § 2461(c):

Crim. Forf. ID	Identifier from parallel Civil Case U.S. v. Real Prop. Located at 19 Crane Park, 2:18-cv-00165-KS-MTP	Asset Description
A1	A-019 a/k/a 16-IRS-000869	\$67,257.24 seized from The First account number 15001365, an account in the name of Total Care Marketing, LLC.
A2	A-017 a/k/a 16-FBI-001331	\$1,567,980.07 seized from Citizens National Bank account number 101773786, an account in the name of Advantage Pharmacy, LLC.
A3	A-056 a/k/a 16-DCI-000068	\$504,951.72 seized from Priority One Bank (Priority) account number 282814, an account in the name of Advantage Medical Infusion, LLC, doing business as AMI Rx.
A4	A-027 a/k/a 16-DCI-000083	\$3,465.86 seized from Magnolia account number 8601395, an account in the name of Advantage Marketing Professionals, LLC.

A5	A-048 a/k/a 16-IRS-000877	\$59,935.47 seized from The First account number 15002538, an account in the name of Bone Forest, LLC.
A6	A-003 a/k/a 16-IRS-000875	\$672,304.62 seized from The First account number 15002660, an account in the name IPMSI Holdings, LLC, Series B.
A7	A-020 a/k/a 16-IRS-000870	\$513,692.49 seized from The First account number 5032685, an account in the name of United Business Ventures LLC.
A8	A-021 a/k/a 16-IRS-000872	\$570,314.01 seized from The First account number 15001605, an account in the name of Thomley Properties, LLC.
A9	A-035 a/k/a 16-DCI-000034	\$1,317,217.30 seized from NY Life IA account number N-29-035297, an account in the name of IPMSI Holdings LLC, Series B.
A10	A-036 a/k/a 16-DCI-000041	\$12.05 seized from NY Life IA L36-001512-1, an account in the name of IPMSI Holdings, LLC, Series B.
A11	A-039 a/k/a 16-DCI-000101	\$.16 seized from NY Life IA L36-002525, an account in the name of Hope Thomley Holdings, LLC.
A12	A-040 a/k/a 16-DCI-000102	\$.16 seized from NY Life IA L36-002526, an account in the name of Howard Thomley Holdings, LLC.
A13	A-044 a/k/a 16-IRS-000878	\$29,392.02 seized from The First account number 3107760, an account in the name of Hope Evangeline Thomley.
A14	A-047 a/k/a 16-IRS-000871	\$5,528.88 seized from The First account number 15001316, an account in the name of Thomley Christmas Tree Farm, LLC.
A15	A-048 a/k/a 16-IRS-000877	\$59,935.47 seized from The First account number 15002538, an account in the name of Bone Forest, LLC.
A16	A-061 a/k/a 16-DCI-000038	\$55,256.31 seized from NY Life IP number 63814930.
A17	A-062 a/k/a 16-DCI-000039	\$83,056.18 seized from NY Life IP number 63814927.
A18	A-063 a/k/a 16-DCI-000042	\$216,633.64 seized from NY Life IA L36-001513, an account in the name of IPMSI Holdings, LLC, Series B.
A19	A-064 a/k/a 16-DCI-000043	\$253,495.66 seized from NY Life IA L36-001514, an account in the name of IPMSI Holdings, LLC, Series B.

A20	A-065 a/k/a 16-DCI-000044	\$347,975.52 seized from NY Life IA L36-001515, an account in the name of IPMSI Holdings, LLC, Series B.
A21	A-066 a/k/a 16-DCI-000045	\$548,136.28 seized from NY Life IA L36-001516, an account in the name of IPMSI Holdings, LLC, Series B.
A22	A-067 a/k/a 16-DCI-000046	\$129,933.17 seized from NY Life IA L36-001517, an account in the name of IPMSI Holdings, LLC, Series B.
A23	A-068 a/k/a 16-DCI-000047	\$504,585.94 seized from NY Life IA L36-001518, an account in the name of IPMSI Holdings, LLC, Series B.
A24	A-079 a/k/a 16-DCI-000085	\$907,565.26 seized from NY Life IA L36-002522, an account in the name of Hope Thomley Holdings, LLC.
A25	A-080 a/k/a 16-DCI-000086	\$905,791.27 seized from NY Life IA L36-002523, an account in the name of Hope Thomley Holdings, LLC.
A26	A-081 a/k/a 16-DCI-000087	\$521,925.05 seized from NY Life IA L36-002524, an account in the name of Hope Thomley Holdings, LLC.
A27	A-082 a/k/a 16-DCI-000084	\$701,345.58 seized from NY Life IA L36-002521, an account in the name of Hope Thomley Holdings, LLC.
A28	A-083 a/k/a 16-DCI-000088	\$701,673.89 seized from NY Life IA L36-002527, an account in the name of Howard Thomley Holdings, LLC.
A29	A-084 a/k/a 16-DCI-000089	\$907,748.22 seized from NY Life IA L36-002528, an account in the name of Howard Thomley Holdings, LLC.
A30	A-085 a/k/a 16-DCI-000090	\$905,851.68 seized from NY Life IA L36-002529, an account in the name of Howard Thomley Holdings, LLC.
A31	A-086 a/k/a 16-DCI-000091	\$522,022.68 seized from NY Life IA L36-002530, an account in the name of Howard Thomley Holdings, LLC.
A32	A-097 a/k/a 16-DCI-000095	\$547,683.93 seized from Brinker 676209499, an account in the name of UBV, LLC Retirement Plan.
A33	A-098 a/k/a 16-IRS-000895	\$796,876.48 seized from Brinker 676209431, an account in the name of UBV, LLC Retirement Plan.
A34	A-031 a/k/a 16-IRS-000886	\$64,745.86 seized from WFB account number 1763836960, an account in the name of Intellectual Property Management Services (IPMSI), LLC.

A35	A-032 a/k/a 16-IRS-000356	\$415,717.75 seized from 1st Source account number X6883, an account in the name of Intellectual Property Management Services, LLC.
A36	A-051 a/k/a 16-IRS-000885	\$9,809.40 seized from The First account number 15001795, an account in the name of Solas Marketing, LLC.
B1	B-018 a/k/a 16-DCI-000067	2015 Mercedes Benz G550, VIN DYC3HFXFX233494, Tag MS 466S6, with all attachments thereon, registered to Hope E. Thomley or Randy Thomley.
B2	B-019 a/k/a 16-DCI-000060	2014 Porsche Panamera, VIN WP0AA2A72EL010995, Tag MS 721S5, with all attachments thereon, registered to Hope E. Thomley or Randy Thomley.
B3	B-020 a/k/a 16-DCI-000058	2013 Ford F-150 Crew Cab, VIN 1FTFW1R6ODFC54655, Tag MS RAPTR32, with all attachments thereon, registered to United Business Ventures, LLC.
C1	C-045 a/k/a 16-DCI-000139 16-DCI-000140 16-DCI-000141 16-DCI-000142 16-DCI-000143	<p>Parcel 164-20-042.000 (Hwy. 44), Parcel 165-21-020.000 (Foster Rd.), Parcel 165-22-007.000 (JD Hatten Rd.), Parcel 165-22-023.000 (Foster Rd.), and Parcel 168-28-001.000 (Foster Rd.), Lamar County, MS, titled to Bone Forest LLC.</p> <p>Legally described as:</p> <p>20 acres, more or less, being in the West ½ of the NE ¼ of the NW ¼ of Section 22, Township 5 North, Range 16 West, Lamar County, Mississippi;</p> <p>AND ALSO Beginning at a pine knot grader blade and x-tie fence corner found on the SE corner of the NW ¼ of the SW ¼ of Section 22, Township 5 North, Range 16 West, Lamar County, Mississippi; thence North 00°03'47" West a distance of 1318.96 feet to an iron pin and fence corner; thence North 89°14'48" East a distance of 1322.71 feet to a pine knot; thence South 00°31'29" East a distance of 1339.83 feet to a x-tie fence corner; thence North 89°51'11" West a distance of 1333.42 feet back to the Point of Beginning; containing 40.53 acres, more or less, and being in the NW ¼ of the SW ¼ of Section 22, Township 5 North, Range 16 West, Lamar County, Mississippi;</p> <p>AND ALSO Beginning at a pine knot grader blade and x-tie fence corner found on the SE corner of the NW ¼ of the SW ¼ of Section 22, Township 5 North, Range 16 West, Lamar County, Mississippi, said point being the Point of Beginning; thence South 00°06'35" West a distance of 1323.44 feet to a pine knot and grader blade; thence South 00°32'30" East a</p>

		<p>distance of 1313.73 feet to an iron pin; thence South 89°52'45" West a distance of 1300.00 feet to a pine knot and grader blade; thence North 00°32'49" West a distance of 1319.42 feet; thence South 89°36'58" West a distance of 1309.55 feet to an iron pin; thence North 00°12'29" East a distance of 1313.39 feet to an iron pin and t-post; thence South 89°22'10" West a distance of 1304.76 feet to a t-post; thence North 00°03'12" West a distance of 1302.47 feet to a found pine knot; thence North 89°16'27" West a distance of 1962.77 feet to an iron pin; thence North 00°11'04" East a distance of 1330.31 feet to an iron pin; thence North 89°23'51" East a distance of 3216.25 feet to a x-tie fence corner; thence South 01°01'49" East a distance of 2014.89 feet to an iron pin; thence North 89°28'13" East a distance of 1297.83 feet to an iron pin; thence North 00°32'49" West a distance of 659.80 feet to a nail in the center of Foster Road and the point of curve of a non-tangent curve to the left, of which the radius point lies North 86°28'08" East a radial distance of 458.08 feet; thence along the center of said road South along the arc having a chord direction of South 15°57'59" East a chord distance of 197.29 feet, through a central angle of 24°52'15" a distance of 198.84 feet; thence continuing along said road South 28°24'06" East a distance of 989.43 feet to the point of curve of a non-tangent curve to the left, of which the radius point lies North 60°00'04" East a radial distance of 867.12 feet; thence continuing along said road SE along the arc having a chord direction of South 41°29'45" East a chord distance of 345.66 feet, through a central angle of 22°59'37", a distance of 347.99 feet to a railroad spike; thence leaving said road run North 89°57'03" East a distance of 573.99 feet back to the Point of Beginning; containing 287.01 acres, more or less, and located in the NE ¼ of the NE ¼ of Section 28; the SE ¼ and the NE ¼ of the SW ¼ and the South ½ of the NW ¼ of Section 21; and the East ½ of SE ¼ of the NE ¼ of Section 20; all in Township 5 North, Range 16 West, Lamar County, Mississippi; together with all improvements thereon and appurtenances thereunto belonging.</p>
C2	C-014 a/k/a 17-DCI-000088	Cash/currency in lieu of 13 Cross Key Big Bay Lake (Lot 3), Lamar County, Mississippi, formerly titled to Thomley Properties, LLC.
C2	C-014 a/k/a 17-DCI-000089 17-DCI-000090	29 Cross Key Big Bay Lake (Lot 7), and 33 Cross Key Big Bay Lake (Lot 8), Lamar County, Mississippi, both parcels titled to Thomley Properties, LLC.

		<p>Legally described as:</p> <p>LOTS 7 and 8 OF BIG BAYLAKE COMMUNITY, NEIGHBORHOOD CROSS KEY, A SUBDIVISION OF LAMAR COUNTY, MISSISSIPPI, AS PER THE MAP OR PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF LAMAR COUNTY, MISSISSIPPI.</p> <p>LESS AND EXCEPT the following, all of which are hereby reserved unto Grantor, its successors and assigns:</p> <p>(i) any and all oil, gas and/or other minerals owned by Grantor lying in, on or under the real property conveyed by this Warranty Deed (the “Lot Conveyed”); and</p> <p>(ii) any and all rights, including without limitation voting rights, owned or held by Grantor to amend, change or terminate the Land Partners Restrictions (as defined in the Declaration (as herein defined)).</p> <p>ALSO LESS AND EXCEPT the following, all of which are hereby excluded from this conveyance and the warranties hereof:</p> <p>The real property and all rights described and/or conveyed in the Warranty Deed from Grantor to Big Bay Lake Holdings, LLC, a Mississippi limited liability company, which is of record in the office of the Chancery Clerk of Lamar County, Mississippi (the “Office”) at Land Deed Book 20-K, at Page 508 and/or in the Corrective Warranty Deed from Grantor to said Big Bay Lake Holdings, LLC which is of record in the Office at Land Deed Book 20-L at Page 105, provided, however, that this exception is not intended to exclude any easements or other rights provided for under and pursuant to the Lake Agreement (as defined in the Declaration (as herein defined)), but only to the extent provided for therein and subject to all of the terms thereof, provided further, however, that Grantor makes no representations or warranties with respect to such Lake Agreement.</p>
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C3	C-015 a/k/a 17-DCI-000092	Cash/currency in lieu of Lot 3 of Pier Point, Big Bay Lake, Lamar County, MS, formerly titled to Thomley Properties, LLC.
C4	C-016 a/k/a 17-DCI-000091	Cash/currency in lieu of Lot 8 of Fisher Point Big Bay Lake, Lamar County, MS, further described in Exhibit #1, formerly titled to Thomley Properties, LLC.
C5	C-017 a/k/a 17-DCI-000093 17-DCI-000094 17-DCI-000095	<p>Lot 5 Lure Line Big Bay Lake, Lot 16 Lure Line Big Bay Lake, and Lot 42 Lure Line Big Bay Lake, Lamar County, MS, further described in Exhibit #1, titled to Thomley Properties LLC.</p> <p>Legally described as:</p> <p>LOTS 5, 16 and 42 OF BIG BAY LAKE COMMUNITY, NEIGHBORHOOD LURE LINE, A SUBDIVISION OF LAMAR COUNTY, MISSISSIPPI, AS PER THE MAP OR PLAT THEREOF ON FILE. AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF LAMAR COUNTY, MISSISSIPPI. LESS AND EXCEPT the following, all of which are hereby reserved unto Grantor, its successors and assigns:</p> <p>(i) any and all oil, gas and/or other minerals owned by Grantor lying in, on or under the real property conveyed by this Warranty Deed (the "Lot Conveyed"); and</p> <p>(ii) any and all rights, including without limitation voting rights, owned or held by Grantor to amend, change or terminate the Land Partners Restrictions (as defined in the Declaration (as herein defined)).</p> <p>ALSO LESS AND EXCEPT the following, all of which are hereby excluded from this conveyance and the warranties hereof;</p> <p>The real property and all rights described and/or conveyed in the Warranty Deed from Grantor to Big Bay Lake Holdings, LLC, a Mississippi limited liability company, which is of record in the office of the Chancery Clerk of Lamar County, Mississippi (the "Office") at Land Deed Book 20-K, at Page 508 and/or in the Corrective Warranty Deed from Grantor to said Big Bay Lake Holdings, LLC which is of record in the Office at Land Deed Book 20-L at Page 105, provided, however, that this exception is not intended to exclude any easements or other rights provided for under and pursuant to the Lake Agreement (as defined in the Declaration (as herein</p>

		defined)), but only to the extent provided for therein and subject to all of the terms thereof, provided further, however, that Grantor makes no representations or warranties with respect to such Lake Agreement
C6	C-036 a/k/a 16-DCI-000134	Cash/currency in lieu of 23 Deer Valley Dr. Hattiesburg, Lamar County, MS, formerly titled to Howard Randy Thomley and Hope E. Thomley.
C7	C-037 a/k/a 16-DCI-000135	Cash/currency in lieu of 50 Hegwood Dr., Hattiesburg, Lamar County, MS, formerly titled to Thomley's Christmas Tree Farm LLC.
C8	C-038 a/k/a 16-DCI-000137	Cash/currency in lieu of 197 Canebrake Blvd., Hattiesburg, Lamar County, MS, formerly titled to Thomley Properties, LLC.
C9	C-039 a/k/a 16-DCI-000138	Cash/currency in lieu of 56 98 Place Blvd., Hattiesburg, Lamar County, MS, formerly titled to Thomley Properties LLC.
C10	C-040 a/k/a 16-DCI-000144	Cash/currency in lieu of 775 Gulf Shore Dr. #36, Destin, Okaloosa County, FL, formerly titled to Howard, and Hope Thomley.
C11	C-041 a/k/a 16-DCI-000145	Cash/currency in lieu of 775 Gulf Shore Dr. #9136, Destin, Okaloosa County, FL, formerly titled to Thomley Properties, LLC.
C12	C-042 a/k/a 16-DCI-000146	Cash/currency in lieu of 775 Gulf Shore Dr. #2154, Destin, Okaloosa County, FL, formerly titled to Thomley Properties, LLC.
C13	C-043 a/k/a 16-DCI-000147	Cash/currency in lieu of 775 Gulf Shore Dr. #2085, Destin, Okaloosa County, FL, formerly titled to Thomley Properties, LLC.
C14	C-044 a/k/a 16-DCI-000148	Cash/currency in lieu of C775 Gulf Shore Dr. #9104, Destin, Okaloosa County, FL, formerly titled to Thomley Properties, LLC.
C15	C-046 a/k/a 16-DCI-000149	<p>47 Copper Creek, Hattiesburg, Lamar County, MS, titled to B.B.</p> <p>Legally described as:</p> <p>Real Property located at 47 Copper Creek, Hattiesburg, Lamar County, Mississippi, more particularly described as:</p> <p>Parcel No. 045N-19-002.082</p> <p>Lot 81 of Clear Creek Subdivision, Phase II, of Lamar County, Mississippi, as per the map or plat thereof on file and of record in the Office of the Chancery Clerk of Lamar County, Mississippi, at Plat Book 3, Page 316, Slide 380.</p>

The United States of America published notice via the internet at www.forfeiture.gov including notice of this forfeiture and of the intent of the United States of America to dispose of the **Subject Property** in accordance with the law and as specified in the Agreed Preliminary Order. Proof of Pub., Mot. for a Final Order of Forfeiture, Ex. A, ECF No. 116-1. The United States asserts that attempt was made to send direct notice of forfeiture to all known potential claimants by certified mail, which advised them of their right to petition the Court thirty (30) days from either receipt of notice or the last day of publication for a hearing to adjudicate the validity of their alleged legal interest in the **Subject Property**. Proof of Service, Mot. for a Final Order of Forfeiture, Ex. B, ECF No. 116-2. The only claimants—Collins Pipeline, Mississippi Power Company, Big Bay Lake Holdings, and BellSouth Telecommunications—are for easements, rights-of-way, and restrictions regarding specific real properties, and these interests have been or will be respected when the properties are sold (some of the properties were sold through interlocutory sales). Likewise, any fees or taxes due and owing on the **Subject Property** will be paid to the appropriate taxing authorities or entities when the properties are sold. No other person or entity filed a claim to any of the assets and the deadline for doing so has expired.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Defendants Hope Evangulane Thomley and Howard Randall Thomley had an interest in the **Subject Property** that is subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1) and (a)(7), and 28 U.S.C. § 2461(c).

2. Final forfeiture judgment against the **Subject Property**, in addition to money judgments in the amounts of \$29,249,018.51 and \$3,651,173.19, against Hope Evangulane Thomley and Howard Randall Thomley, respectively, ordered during the defendants' sentencing hearings on July 23, 2020, is hereby entered pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1)

and (a)(7), and 28 U.S.C. § 2461(c).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title, and interest to the **Subject Property** is hereby condemned, forfeited, and vested in the United States of America, and shall be disposed of according to law; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

SO ORDERED, ADJUDGED, AND DECREED this 17th day of September, 2020.

s/Keith Starrett
KEITH STARRETT
UNITED STATES DISTRICT JUDGE